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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,	)	
	)	No. CR 06-00365 CW
12 Plaintiff,	)	
	)	STIPULATION AND ORDER
13 v.	)	CONTINUING MOTIONS/TRIAL
	)	SETTING DATE
14	)	
15 JOHN FRANCES GRIFFIN,	)	
	)	
16 Defendant.	)	

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status date in  
18 this case, currently scheduled for Monday, December 4, 2006, at 2:30 p.m. before Honorable Judge  
19 Claudia Wilken, may be continued to Monday, February 5, 2007, at 2:30 p.m. for status or  
20 motion/trial setting. The status of the case is that the government had anticipated presenting a  
21 superseding indictment to the grand jury on November 16, 2006, with additional charges of tax  
22 evasion. The government was not able to go forward on that date and has rescheduled to November  
23 30, 2006. After the superseding indictment is filed, defense counsel will need time to investigate the  
24 additional charges. Furthermore, there is additional discovery which defense counsel is still in the  
25  
26

STIP. CONTINUING  
STATUS DATE

process of obtaining which relates to the current charges as well as to the anticipated tax counts. Finally, government counsel will be unavailable during the last two weeks of December, 2006, and defense counsel will be unavailable from January 6, 2007, through January 16, 2007. The parties understand that the Court is not available on January 29, 2007 and request that the case be continued to February 5, 2007.

The parties stipulate that the time from December 4, 2006, to February 5, 2007, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation and continuity of counsel.

/S/  
DATED: November 28, 2006  
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JOYCE LEAVITT  
Assistant Federal Public Defender

/S/  
DATED: November 29, 2006  
\_\_\_\_\_  
MAUREEN BESSETTE  
Assistant United States Attorney

**SIGNATURE ATTESTATION**

I hereby attest that I have on file all holograph signatures indicated by a “conformed” signature (“/S/”) within this efiled document


**ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the **motions setting** date in this case, currently scheduled for December 4, 2006, at 2:30 p.m. shall be continued to February 5, 2007, at 2:30 p.m. for motion/trial setting.

IT IS FURTHER ORDERED that the time from December 4, 2006, to February 5, 2007, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel to allow defense counsel to review the additional charges once there is a superseding indictment and continue with its investigation, and for continuity of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial because additional investigation and review are necessary to the defense preparation of the case and the failure to grant the requested continuance would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 11/30/06



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HONORABLE CLAUDIA WILKEN  
United States District Judge